

REMARKS

Entry of the foregoing and reexamination and reconsideration of the subject application, as amended, pursuant to and consistent with 37 C.F.R. § 1.112, are respectfully requested in light of the remarks which follow.

Claims 11-23 are currently pending. Applicants acknowledge with appreciation that claims 11, 12 and 18-23 are allowed.

The specification is amended herein to delete the phrase "naturally occurring RNA polymerases artificially modified". Thus, no prohibited new matter is presented by way of the present Amendment. Applicants reserve the right to file at least one continuation or divisional directed to any subject matter canceled by way of the present Amendment.

Objection to the Specification

The specification is objected to for the recitation defining "wild type RNA polymerase" as including naturally occurring thermostable RNA polymerases as well as naturally occurring RNA polymerases that have been artificially modified (see page 9, lines 15-31). The Office Action states that this definition is contrary to the accepted meaning of "wild type" as known to the skilled artisan.

Applicants have amended the specification to remove the phrase "naturally occurring RNA polymerases artificially modified (i.e. having substitution, insertion and/or deletion of amino acids)" in order to clarify the definition of "wild type RNA polymerase". As the specification as amended recites a definition for "wild type" corresponding to the accepted definition known in the art, Applicants submit that his objection is obviated.

Rejections under 35 U.S.C. § 112, second paragraph

Claims 13-17 stand rejected under 35 U.S.C. § 112, second paragraph as purportedly indefinite. Specifically, the Office Action states that these claims are indefinite for the recitation of "wild type" as the specification defines "wild type" as including naturally occurring RNA polymerases that have been artificially modified, and that this definition is purportedly contrary to the accepted meaning of "wild type" as known to the skilled artisan.

Without acquiescing in the rejection, Applicants have amended the specification to remove the phrase "naturally occurring RNA polymerases artificially modified (i.e. having substitution, insertion and/or deletion of amino acids)" in order to clarify the definition of "wild type RNA polymerase". As the claims are read in light of the specification, and the specification as amended recites a definition for "wild type" corresponding to the accepted definition known in the art, Applicants request that this rejection be withdrawn.

CONCLUSION

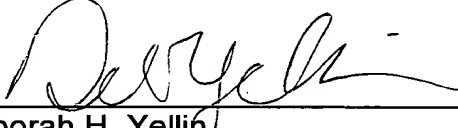
From the foregoing, further and favorable action in the form of a Notice of Allowance is respectfully requested and such action is earnestly solicited.

In the event that there are any questions concerning this amendment or the application in general, the Examiner is respectfully requested to telephone the undersigned so that prosecution of the application may be expedited.

Respectfully submitted,

BURNS, DOANE, SWECKER & MATHIS, L.L.P.

Date: July 23, 2004

By: 
Deborah H. Yellin
Registration No. 45,904

P.O. Box 1404
Alexandria, Virginia 22313-1404
(703) 836-6620